

Remarks

Claims 30-47 were pending in the subject application. By this Amendment, claims 39-41 have been cancelled. The undersigned avers that no new matter is introduced by this amendment. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 30-38 and 42-47 are currently before the Examiner for consideration. Favorable consideration of the pending claims is respectfully requested.

The applicants and the applicants' representative wish to thank Examiner Falk for the courtesy of the telephonic interview conducted with the undersigned on May 27, 2004, regarding claims 39-41, the Bennett *et al.* patent (U.S. Patent No. 5,703,054), GenBank Accession No. AA875851, and the rejections under 35 U.S.C. §102(b). The remarks and amendments set forth herein are consistent with the substance of the interview and are believed to address the outstanding issues as discussed during the interview.

The applicants gratefully acknowledge the Examiner's withdrawal of the rejections under 35 U.S.C. §112, first paragraph, and 35 U.S.C. §102(b) (over Wallace *et al.*). The applicants also gratefully acknowledge the Examiner's indication that claims 30-38 and 42-47 are allowable in the subject application.

Claims 39-41 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bennett *et al.* (U.S. Patent No. 5,703,054). Claims 39-41 have also been rejected under 35 U.S.C. §102(b) as being anticipated by GenBank Accession No. AA875851 (March 25, 1998). The applicants respectfully submit that the cited references do not teach or suggest the claimed invention. However, by this Amendment, the applicants have cancelled claims 39-41, rendering these rejections moot. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) is respectfully requested.

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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